

1 Thomas Ryan (SBN 143148)

tryan@mwe.com

2 Jason Strabo (SBN 246426)

jstrabo@mwe.com

3 Irene Le (SBN 325503)

ile@mwe.com

4 **MCDERMOTT WILL & EMERY LLP**

2049 Century Park East

5 Suite 3200

Los Angeles, CA 90067-3206

6 Telephone: 1 310 277 4110

Facsimile: 1 310 277 4730

7 Attorneys for Defendants

8 ENVISION HEALTHCARE CORPORATION

AND ENVISION PHYSICIAN SERVICES,

9 L.L.C.

10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **SAN FRANCISCO**

13 AMERICAN ACADEMY OF EMERGENCY  
MEDICINE PHYSICIAN GROUP, INC., a

14 Wisconsin Corporation,

15 Plaintiff,

16 v.

17 ENVISION HEALTHCARE CORPORATION; a  
Delaware Corporation; ENVISION PHYSICIAN  
18 SERVICES L.L.C.; a Delaware Limited Liability  
corporation doing business in California and  
19 DOES 1-100,

20 Defendants.

CASE NO. 3:22-cv-00421-CRB

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND TIME TO RESPOND  
TO THE FIRST AMENDED COMPLAINT**

[Declaration of Jason D. Strabo lodged  
concurrently herewith]

Judge: Hon. Charles R. Breyer

Complaint Filed: December 20, 2021

FAC Filed: February 18, 2022

Pursuant to Federal Rule of Civil Procedure 6(b) and Civil Local Rule 6-1(b), Plaintiff American Academy of Emergency Medicine Physician Group, Inc. (“Plaintiff”) and Defendants Envision Healthcare Corporation and Envision Physician Services LLC (“Defendants”) collectively (the “Parties”), by and through their undersigned counsel of record, hereby stipulate with respect to Defendants’ time to respond to the First Amended Complaint up to and including June 24, 2022, as follows:

WHEREAS, on December 20, 2021, Plaintiff filed its original Complaint in state court;

WHEREAS, on January 21, 2022, Defendants removed this case to this Court [Dkt. 1], and on January 28, 2022, filed a Motion to Dismiss [Dkt. 11];

WHEREAS, on February 18, 2022, Plaintiff filed its First Amended Complaint [Dkt. 18];

WHEREAS, on March 4, 2022, Defendants filed their Motion to Dismiss the First Amended Complaint [Dkt. 23];

WHEREAS, on May 27, 2022, this Court denied Defendants’ Motion to Dismiss [Dkt. 47];

WHEREAS, on June 1, 2022, this Court entered an order referring the above-entitled case to Magistrate Judge Sallie Kim for settlement [Dkts. 48 & 50];

WHEREAS a scheduling conference for settlement conference is set for June 8, 2022 [Dkt. 50];

WHEREAS, a Joint Case Management Statement is due by October 14, 2022, for the Initial Case Management Conference set for October 21, 2022 [Dkt. 49];

WHEREAS, there are no additional dates or deadlines set;

WHEREAS, Plaintiff has agreed to a two-week extension for Defendants to respond to the First Amended Complaint [Dkt. 18] up to and including June 24, 2022;

WHEREAS, the Parties have not previously requested any extensions, the Parties do not enter into this Stipulation for the purpose of delay, and the Court has not yet scheduled any other pre-trial

or trial dates;

WHEREAS, no party will be prejudiced by the stipulated-to extension;

NOW THEREFORE, the Parties hereby stipulate and agree, subject to the Court's approval, as follows:

1. The date for Defendants to respond to Plaintiff's First Amended Complaint [Dkt. 18] has been extended from June 10, 2022, up to and including June 24, 2022.

2. Nothing in this Stipulation shall be construed as a waiver of any Party's rights or positions in law or equity, or as a waiver of any defenses.

**IT IS SO STIPULATED.**

Dated: June 3, 2022

**MCDERMOTT WILL & EMERY LLP**

By: /s/ Jason D. Strabo

JASON D. STRABO

Attorneys for Defendants

**MILLSTEIN FELLNER LLP**

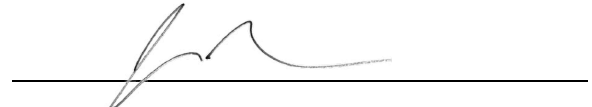
By: /s/ Gerald S. Richelson

GERALD S. RICHELSON

Attorneys for Plaintiff

**ATTESTATION PURSUANT TO LOCAL RULE 5-1(h)(3)**

I, Jason D. Strabo, attest that concurrence in the filing of this Stipulation to Extend Time to Respond to the First Amended Complaint has been obtained from the other signatory. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 3<sup>rd</sup> day of June 2022, in Los Angeles California.



Jason D. Strabo

McDERMOTT WILL & EMERY LLP  
ATTORNEYS AT LAW  
LOS ANGELES

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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3  
4 DATED: June 7, 2022

  
HONORABLE CHARLES R. BREYER  
United States District Judge

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